

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IL2005/000351

International filing date (day/month/year)
28.03.2005

Priority date (day/month/year)
28.03.2004

International Patent Classification (IPC) or both national classification and IPC
E01F13/12

Applicant
ISRAEL AIRCRAFT INDUSTRIES LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220

3 For further details, see notes to Form PCT/ISA/220

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees
 - ☐ paid additional fees under protest.
 - ☒ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-20, 34-48

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	9, 10, 14-17, 19, 20, 35-48
	No: Claims	1-8, 11-13, 18, 34
Inventive step (IS)	Yes: Claims	9, 10, 14, 15, 19, 20, 35-48
	No: Claims	1-8, 11-13, 16-18, 34
Industrial applicability (IA)	Yes: Claims	1-20, 34-48
	No: Claims	

2. Citations and explanations

see separate sheet

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Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)
and / or
2. Non-written disclosures (Rules 43*bis*.1 and 70.9)
see form 210

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

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Re Item IV

Lack of unity of invention

1. Claims 1, 21 and 34 do not fulfill the criteria in Rule 12.1 PCT for the following reasons:
 - (a) claim 1 and 34 lacks novelty over CH-A5-687882. Neither claim 1 nor dependent claims 2-20 appendend on claim 1, introduce same or corresponding features as the features recited in independent claim 21, Rule 13.2 PCT.
 - (b) As claim 11 appendent on claim 1, introduced features (namely the tire attaching member is an anchoring spike adapted to pierce said tire and tear/strip the tire at least partially off its wheel rim), which is corresponding to the features as recited in claim 34, the respective group of claims 1-20 and 34-48 are considered to form a single group.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2. Reference is made to the following documents:
 - D1: US-B-6409420
 - D2: JP-A-411036249
 - D3: US-B-6206608
 - D4: FR-A-2820441
 - D5: FR-A-2815362
- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document **D1** discloses, with reference to the figures 13-16: a device (220) for arresting the progress of a vehicle having wheels with rubber ties (254), the device being deployable on a road surface and comprising:

- (a) at least one tire attaching member (252);
- (b) at least one elongated flexible member (222) disposed along the direction (242) of said progress and adapted to wrap around said tires, said at least one tire attaching

member being fixed to the proximal end of said elongated flexible member with respect to the vehicle's motion, and

(c) an arresting means (241) attached to said elongated flexible member and adapted to interfere with the vehicle motion, whereby, upon passage of said vehicle over said device, said tire attaching member attaches said flexible member to at least one of said vehicle tires so that said flexible member wraps around tires, and said arresting means interferes with the motion of the vehicle so as to arrest it.

- 3.2 Moreover, document **D2** and **D3** also discloses an arresting device, as specified in claim 1, whereby this document deprives claim 1 from novelty (Article 33(2) PCT) (B: See fig. 3: device (10); tire attaching member = 30+ adhesive; elongated flexible member and arresting means (20) - D3: See fig. 2: tire attaching member = 30; elongated flexible member (10) and arresting means (5)).
- 4.1 D1, D2 resp. D3 disclose as well the additional features of claims 2-8, 11-13, and 18, which therefore are also not new in the sense of Article 33(2) PCT.
- 4.2 Dependent claims 16 and 17 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to inventive step (see D3, fig. 4)
5. Conversely, each of the respective combinations of the features of dependent claims 9, 10, 14, 15, 19 and 20 is neither known from, nor rendered obvious by, the available prior art and would thus meet the requirements of Article 33 PCT.
- 6.1 Furthermore, the subject-matter of claim 34 is not new in the sense of Article 33(2) PCT.

The document **D5** discloses, with reference to the figures 8 : a device (1) for arresting the progress of a vehicle having wheels with rubber tires, the device being deployable on a road surface and comprising: a) at least one tire piercing member (44) disposed so as to meet said tire under angle suitable for piercing, and b) means adapted to tear and strip said tires off their wheel rim after the piercing .

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- 6.2 Conversely, each of the respective combinations of the features of dependent claims 35-48 is neither known from, nor rendered obvious by, the available prior art and would thus meet the requirements of Article 33 PCT.
7. Present claims 1-20 and 34-48 are considered to be industrially applicable and therefore meet the criteria of Article 33(4) PCT.

Re Item VI : Certain documents cited

8. With reference to PCT Rule 64.3, 70.10 and PCT/GL/ISPE/1-16.67 and 17.44 it is observed that the international patent application FR-A-2847280 is filed on 20-11-2002 and published on 21-05-2004.